

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit 1997

DATE: January 7, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: January 22, 2003

PROPOSAL: Early Childhood Care facility for up to 56 children

WAIVER REQUEST: None

LAND AREA: Approximately 0.63 acres

CONCLUSION: Conforms to the 2025 Comprehensive Plan and is an appropriate use at this area.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Lots 18 & 19 Block 9, Young's Hyland Park Addition, located in the NE 1/4 of Section 30, Township 10N. Range 7E of the 6th P.M., Lincoln, Lancaster County, Nebraska. More particularly described on the attached sheet.

LOCATION: S. 37th St & "O" St.

APPLICANT: Austin Realty Investments, L.L.P.
3355 Orwell St. Suite 102
Lincoln, NE 68516-4701
(402) 436-3444

OWNER: same as applicant

CONTACT: Stephen Clymer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Residential and playground for an existing day care facility.

SURROUNDING LAND USE AND ZONING:

North: B-1 & R-4	Parking lot and office building
South: R-4	Residential
East: R-4	Residential
West: R-4	Residential

ASSOCIATED APPLICATIONS: Street & Alley vacation #02020, to vacate the east 115' of the east-west alley from 35th St. to 37th St.

Administrative Final Plat #02073, Young's Hyland Park 1st addition to create four lots.

Administrative Amendment #02111 to Special Permit #489, to amend a parking lot design in a residential district.

HISTORY:

September 1982 Change of Zone #1972 from B-1, Local Business to O-2 Suburban Office on Lots 6,7 & 8, Block 2 and Lots 1,2 & 3, Block 9; Young's Hyland Park Addition was denied by City Council.

December 1970 Change of Zone #1093 from F Restricted Commercial to G Local Business on Lots 1,2 &3, Block 9, Young Hyland Park Addition was approved by City Council.

February 1970 Special Permit #489 for a parking lot in a residential zone was approved by City Council.

This area was zoned G-Local Business and B-Two family Dwelling prior to the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F-18 Residential Neighborhoods– Child care centers should be located within neighborhoods and near schools and parks when possible.

UTILITIES: Available

TRAFFIC ANALYSIS: “O” St. is a principal arterial and S. 37th St is a local street.

PUBLIC SERVICE: Fire and police protection is provided by the City of Lincoln.

ANALYSIS:

1. This application is for an Early Childhood Care Facility.
2. The childhood care facility has been operating in an office building located at 3633 “O” Street located within the B-1 zoning district. A childhood care facility is a conditional use in the B-1 district.
3. The playground for the childhood care facility is located south of the alley in an R-4 zoning district. The city of Lincoln Design Guidelines for early childhood care facilities prohibits crossing alleys to move from the child care facility to the play area. (Chapter 3.90-3)
4. The special permit is only for that area of the day care located within the R-4 district; which includes the playground and the walkway south of the alley.
5. The existing playground located in the R-4 district has been operating without a special permit. This special permit would bring the use in compliance with the zoning ordinance.
6. Street & Alley Vacation #02020 and Administrative Amendment #02111 to Special Permit # 489 must be approved as a condition of this special permit.
7. Street & Alley Vacation #02020 would vacate a portion of the alley to allow the children to access the playground from the building safely. The administrative amendment to the parking lot will provide a turn around that is required as a condition of the alley vacation.

CONDITIONS:

Site Specific:

1. This approval permits an early childhood care facility for up to 56 children.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised site plan including 5 copies showing the following revisions and the plans are acceptable:

- 3.1.1 Identify the boundary of the special permit. The special permit only applies to the area located in the R-4 district.
- 3.1.2 Provide a conversion plan that complies with the design standards for early childhood care facilities.
- 3.1.3 Specify which parking stalls are for the loading/unloading of care receivers.
- 3.1.4 Dimension the site plan including the playground and the walkway between the building and playground.
- 3.1.5 Dimension the parking stalls including width, depth and front overhang.
- 3.1.6 Show the width of the parking lot driving aisles.
- 3.1.7 Correct the legal description.
- 3.1.8 Remove the fence from Lot 3. The entire fence must be within the lot of the playground.
- 3.1.9 Revise the parking lot to the satisfaction of Public Works Department.
- 3.1.10 Show utility easements as requested by LES.
- 3.1.11 Show a 16' sanitary sewer and utility easement across the vacated alley.
- 3.1.12 Relocate the trash dumpster to another location other than the end of the alley.

3.2 The construction plans shall comply with the approved plans.

- 3.4 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.
- 3.5 Street & Alley Vacation #02020 must be approved.
- 3.6 Administrative Amendment #02111 must be approved.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the playground all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

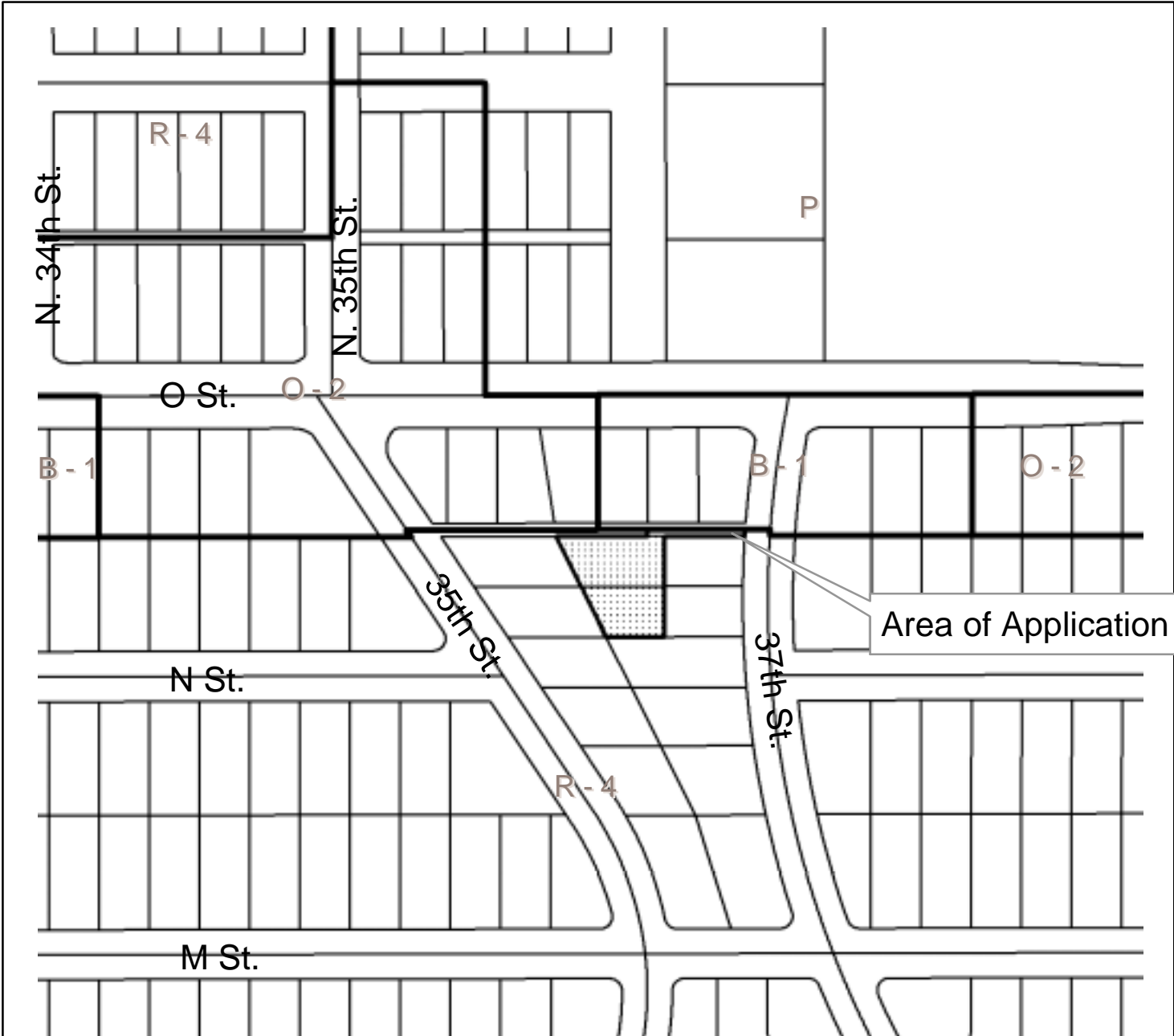
Tom Cajka
Planner



Special Permit #1997 36th & 'O' St.



Lincoln City - Lancaster County Planning Dept.
1997 Aerial

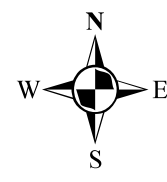
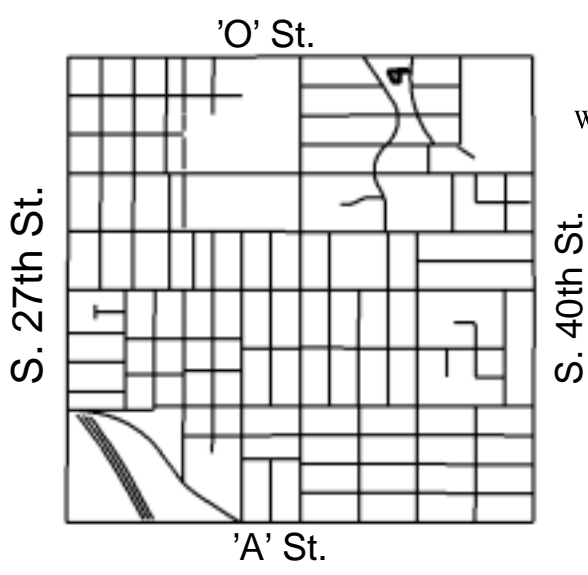
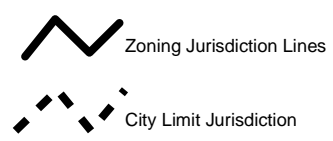


Special Permit #1997 **37th & 'O' St.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 30 T10N R7E



LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOTS 18 AND 19 BLOCK 9, YOUNG'S HYLAND PARK ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 18, THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 54 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 92.75 FEET TO A POINT, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE CONTINUING SOUTH 89 DEGREES 54 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 69.35 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18, THENCE NORTH 26 DEGREES 31 MINUTES 49 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 18, A DISTANCE OF 67.28 FEET TO THE NORTHWEST CORNER OF SAID LOT 18, THENCE NORTH 89 DEGREES 54 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 94.43 FEET TO A POINT, THENCE NORTH 00 DEGREES 01 MINUTES 31 SECONDS EAST, A DISTANCE OF 60.24 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 19, THENCE NORTH 89 DEGREES 54 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 19, A DISTANCE OF 5.00 FEET TO A POINT, THENCE SOUTH 00 DEGREES 01 MINUTES 31 SECONDS WEST, A DISTANCE OF 120.48 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 5,385.13 SQUARE FEET OR 0.1236 ACRES, MORE OR LESS.

January 10, 2003 (8:20AM)
F:\Projects\20020922\yplat\dwg\PORTLOT18.rtf

YOUNG'S HYLAND PARK 1ST ADDITION

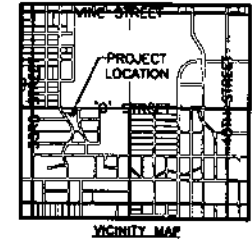
PARKING COUNT SUMMARY		
ZONE	DESCRIPTION	
B-1	STALL/200 SF	8
	OFFICE 22' 1' AND 5' 1'	4
	SUBTOTAL	12
	DAY CARE	
	EMPLOYEE VAN - 1 STALL EA.	8
	CARE RECEIVERS - 1 STALL/10	5
	(CENTER LICENSED FOR 50)	
	SUBTOTAL	14
	TOTAL STALLS REQUIRED	26
EMPLOYEE PARKING WILL BE LOCATED IN THE LOT SOUTHWEST OF THE BUILDING		

ENGINEER & PREPARED
OLSSON ASSOCIATES
1111 LINCOLN MALL
LINCOLN, NE 68508
PHONE: 474-8311

SPECIAL PERMIT SITE PLAN

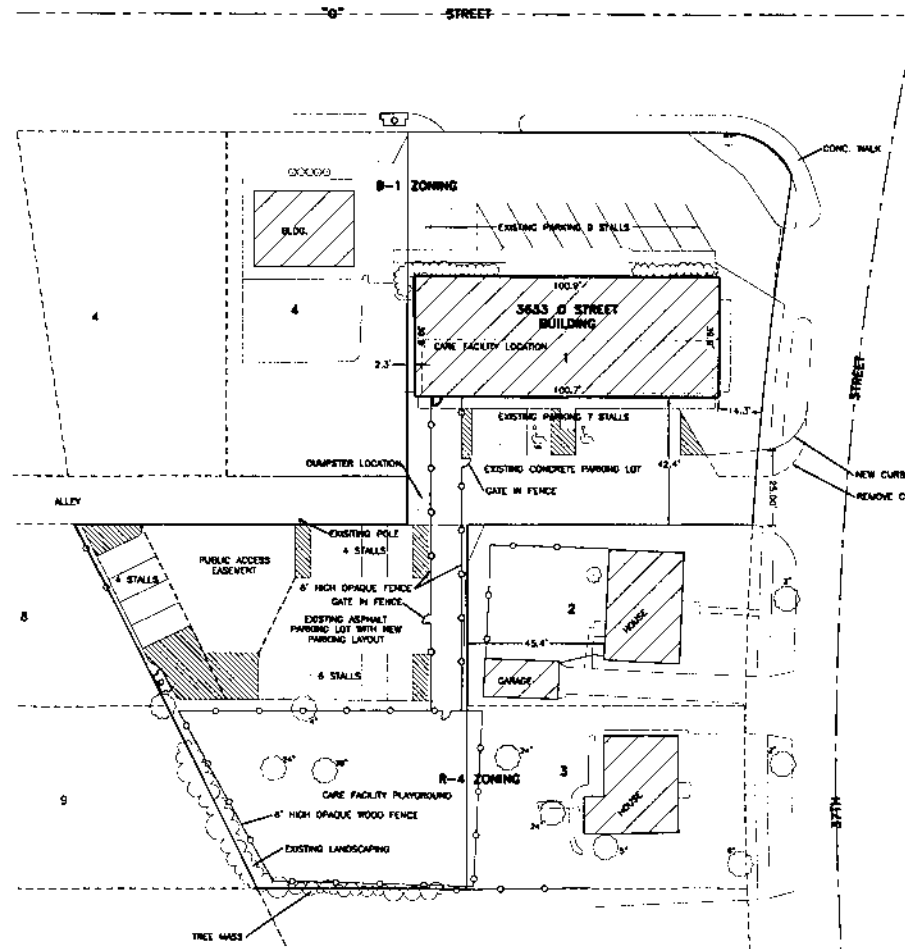
OWNERS & DEVELOPERS
JOHN F. WOODLEY PARTNER
THOMAS D. WOODLEY PARTNER
ALTIMA REALTY INVESTMENTS LLP
2304 DANIEL STREET SUITE 100
SAND SOUTH MAIN STREET
LINCOLN, NE 68510-1701
PHONE: (402) 438-3444

SCALE: 1"=20'



LEGEND

- PROPOSED FENCE
- PROPOSED GATE IN FENCE



GENERAL NOTES

- EARLY CHILDHOOD CARE FACILITY IS LICENSED FOR 50 CHILDREN, MAXIMUM NUMBER OF EMPLOYEES IS 8.
- THIS SPECIAL PERMIT ALLOWS AN EARLY CHILDHOOD CARE FACILITY PLATFORM IN R-4 ZONING.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE BOUNDARY OF THE ABOVE PRELIMINARY PLAN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED OR FOUND AT ALL BOUNDARY CORNERS.

DATE: _____ MICHAEL R. JOHNSON L.S. NO. 525

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEER'S OFFICE DESIGN REQUIREMENTS.

DATE: _____ YOUNG A. LORENZ

PLANNING DIRECTOR APPROVAL

THE PLANNING DIRECTOR APPROVES THIS SPECIAL PERMIT NO.

DATE: _____ DIRECTOR OF PLANNING

APPROVAL

THIS SPECIAL PERMIT # _____ WAS APPROVED BY THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____ 20____.

DATE: _____

LEGAL DESCRIPTION

A LEGAL DESCRIPTION OF A TRACT OF LAND TO BE KNOWN AS LOT YOUNG'S HYLAND PARK 1ST ADDITION, COMPOSED OF THE REMAINING PORTION OF LOTS 1 AND 2 BLOCK 8 YOUNG'S HYLAND PARK ADDITION, A PORTION OF EAST-WEST ALLEY TO BE VACATED, AND A PORTION OF LOTS 18 AND 19 BLOCK 8 YOUNG'S HYLAND PARK ADDITION.

COMMENCING AT THE NORTHWEST CORNER OF THE REMAINING PORTION OF SAID LOT 2, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 34 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF THE REMAINING PORTION OF SAID LOTS 2 AND 3, SAID LINE BEING THE SOUTH LINE OF 70' STREET RIGHT-OF-WAY, A DISTANCE OF 100.53 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 23.40 FEET, ARC LENGTH OF 28.88 FEET, DELTA ANGLE OF 65 DEGREES 24 MINUTES 20 SECONDS, A CHORD BEARING OF SOUTH 58 DEGREES 53 MINUTES 19 SECONDS EAST ALONG THE NORTHEAST LINE OF SAID REMAINING PORTION OF SAID LOT 1, SAID LINE BEING A SOUTH RIGHT-OF-WAY LINE OF 70' STREET, AND A CHORD LENGTH OF 25.19 FEET TO A POINT, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 20.00 FEET, ARC LENGTH OF 3.38 FEET, DELTA ANGLE OF 69 DEGREES 41 MINUTES 01 SECONDS, A CHORD BEARING OF SOUTH 04 DEGREES 08 MINUTES 37 SECONDS WEST ALONG AN EAST LINE OF SAID LOT 1, SAID LINE BEING THE 100.53 RIGHT-OF-WAY LINE OF 37TH STREET, AND A CHORD LENGTH OF 3.38 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1206.30 FEET, ARC LENGTH OF 113.75 FEET, DELTA ANGLE OF 60 DEGREES 24 MINUTES 00 SECONDS, A CHORD BEARING OF SOUTH 06 DEGREES 18 MINUTES 03 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 1, AND THE LAST LINE OF SAID EAST-WEST ALLEY, AND A CHORD LENGTH OF 113.70 FEET TO THE NORTHEAST CORNER OF SAID LOT 19, THENCE SOUTH 89 DEGREES 34 MINUTES 31 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 18, SAID LINE BEING THE SOUTH LINE OF SAID EAST-WEST ALLEY, A DISTANCE OF 94.20 FEET TO A POINT, THENCE SOUTH 00 DEGREES 01 MINUTES 31 SECONDS WEST, A DISTANCE OF 120.48 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 18, THENCE SOUTH 89 DEGREES 34 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 60.35 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18, THENCE NORTH 26 DEGREES 31 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SAID LOTS 18 AND 19, A DISTANCE OF 134.56 FEET TO THE NORTHWEST CORNER OF SAID LOT 19, THENCE NORTH 89 DEGREES 34 MINUTES 31 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 18, SAID LINE BEING THE SOUTH LINE OF SAID EAST-WEST ALLEY, A DISTANCE OF 120.75 FEET TO A POINT OF INTERSECTION WITH THE EXTENSION OF THE WEST LINE OF SAID REMAINING PORTION OF LOT 2, THENCE NORTH 60 DEGREES 01 MINUTES 31 SECONDS EAST ALONG THE WEST LINE OF SAID REMAINING PORTION OF LOT 2, AND ITS EXTENSION, A DISTANCE OF 130.16 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 27,554.18 SQUARE FEET OR 62.83 ACRES, MORE OR LESS.

Prepared by: BOB SHAW
Reviewed by: BOB SHAW

OLSSON ASSOCIATES
ENGINEERS - PLANNERS - SURVEYORS - LANDSCAPE ARCHITECTS

REVISIONS

NO.	DATE	DESCRIPTION
1		

SPECIAL PERMIT SITE PLAN

YOUNG'S HYLAND PARK 1ST ADDITION

LINCOLN, NE

2002

Project No. _____

Drawn by: _____

Checked by: _____

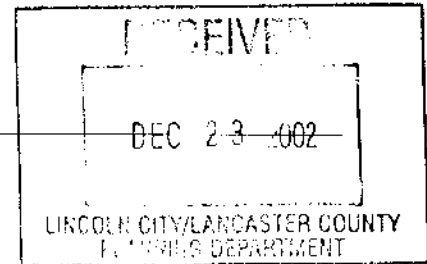
Project No. _____

Sheet No. _____

12/18/02

SHEET SP1.1

M e m o r a n d u m



To: Tom Cajka, Planning Dept.

From: ^{BB} Bruce Briney, Public Works and Utilities

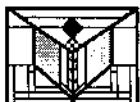
Subject: Special Permit #1997, Careday Quest
Young's Hyland Park 1st Addition

Date: December 23, 2002

cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit #1997 for Careday Quest located at 3633 'O' Street in Young's Hyland Park 1st Addition. Public Works has the following comments:

- On the site plan, show the dimensions for parking stall width, depth, and front overhang. Show the width of the parking lot driving aisles.
- The public alley coming from the west cannot terminate in a dead-end. Provisions need to be made for vehicle turn around or vehicle egress from the terminated east end of the alley. The four parking stalls adjacent to the alley could be shifted to the west to allow traffic from the terminated alley to flow back through the south parking lot and exit to the west through the alley. This design change would need to be accompanied by additional public access easement.



Rodger P Harris

01/07/2003 10:25 AM

To: Thomas J Cajka/Notes@Notes

cc: Chuck A Zimmerman/Notes@Notes

Subject: Careday Quest, 3633 O St., SP 1997 & Youngs Hyland Park 1st Add.

We have review the above projects and have the following comments to offer:

1. We have no objection to AA 02111 to SP 489 to reconfigure to parking lot south of the alley.
2. We have no objection to SP 1997 for the child care use.
3. The plat of Young's Hyland Park 1st Addition shows a lot line common to proposed Lots 1 and 4 as located 2.3 feet from the existing building. The original building permits included the original platted Lots 1, 2, and 3. A subdivision approval in 1978 approved a parcel including original Lots 1, 2 and the E. 10' of Lot 3 for this building. The proposed plat will likely not be in compliance with minimum building code requirements. The property line common to proposed Lots 1 and 4 should not be approved unless it can be shown that the building will conform to building code requirements for its location on the property.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka

DATE: January 3, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Nate Brandt

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Careday Quest
SP #1997

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for the special permit to operate a child care facility with the following noted:

- Applicant must install a six foot high "privacy" fence across the existing alley.
- Proper signage must implemented to alert motorists using the alley.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Richard J Furasek

To: Thomas J Cajka/Notes@Notes

12/27/2002 10:22 AM

cc:

Subject: Careday Quest

Upon reviewing special permit #1997, we find it acceptable to the standards of Lincoln Fire and Rescue.

Richard J. Furasek

Assistant Chief Operations

Lincoln Fire & Rescue

1801 Q Street

Lincoln Ne. 68508

Office 402-441-8354

Fax 402-441-8292

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF02096**

Address

Job Description: Development Review - Fire

Location: CAREDAY QUEST

Special Permit: Y 1997

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **TOM CAJKA**

Status of Review: Approved

12/20/2002 12:02:22 PM

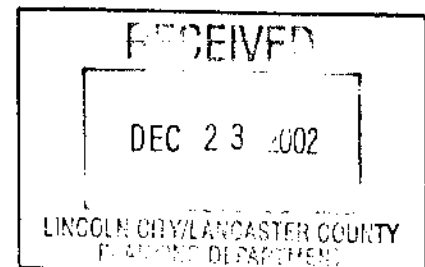
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: No locks on gates in fence

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 2000 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: December 20, 2002

Re: Careday Quest (Young's Hyland Park) SP 1997

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

To: Tom Cajka <TCajka@ci.lincoln.ne.us>
cc:
Subject: Careday Quest

01/02/2003 02:38 PM

Mr. Cajka,

The Lincoln Police Department has no objections to the Careday Quest SP # 1997.

Sergeant Michael S. Woolman
Lincoln Police Department



INTER-DEPARTMENT COMMUNICATION

DATE January 6, 2003

TO Tom Cajka, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #1S-36E

Attached is the Special Permit Site Plan for Young's Hyland Park Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

A handwritten signature in cursive script, reading "Sharon Theobald".

ST/ss
Attachment
c: Terry Wiebke
Easement File

